

4 E-FILED on 11/6/09

8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION

12 MIGUEL VEGA, CARLOS VEGA, EDGAR  
13 VEGA, MARCOS VEGA, ALEJANDRO  
VEGA, and JOSE VEGA,

No. C-08-04805 RMW

14 Plaintiffs,

15 v.  
16 ORDER GRANTING MOTION FOR  
17 DEFAULT JUDGMENT

18 MCLAIRD ENTERPRISES INC. dba  
19 COSTELLO'S TREE SERVICE, SEAN  
MCLAIRD dba COSTELLO'S TREE  
SERVICE, TOM MULLIN dba COSTELLO'S  
TREE SERVICE, URBAN FORREST TREE  
SERVICE dba COSTELLO'S TREE  
SERVICE, SURETY COMPANY OF THE  
PACIFIC and DOES 1-10.

20 [Re Docket No. 24]

Defendants.

21  
22 Plaintiffs' motion for entry of default judgment came on for hearing before the court on  
23 November 6, 2009. Defendants Thomas Mullin and Sean McLaird, each proceeding pro se,  
24 submitted papers in response to plaintiff's motion, but did not appear at the hearing. The remaining  
25 defendants did not appear or otherwise oppose the motion. No motion to set aside entry of default  
26 has been filed. Having considered the papers and evidence submitted and the argument of plaintiffs'  
27 counsel at oral argument, and for good cause appearing, plaintiffs' motion is granted.

1           The court has reviewed the evidence submitted by plaintiffs in support of their damages  
 2 claims. The court finds that plaintiffs have adequately proven damages, as set forth below:

Name	Unpaid Overtime Wages	FLSA Liquidated Damages	Labor Code §203	Total Award
Carlos Vega	\$17,761	\$12,234	\$4,560	\$34,455
Edgar Vega	13,936	9,399	3,360	26,695
Jose Vega	14,545	10,065	3,600	28,210
Marcos Vega	21,440	14,460	6,000	41,900
Miguel Vega	20,368	13,737	6,000	40,105
Alejandro Vega	15,215	9,292	6,000	30,507

11 Plaintiffs, however, have not adequately established a basis for an award under California Labor  
 12 Code Section 226 (relating to pay stub violations).

13 Plaintiffs seek an award of their reasonable attorneys' fees pursuant to California Labor Code  
 14 §1194(a), and have submitted the declaration of counsel to support their claim for \$19,885 in  
 15 attorney's fees. The overall number of hours, including time spent preparing for and engaging in  
 16 mediation, is reasonable, as is the claimed hourly rate. Accordingly, plaintiffs are awarded \$19,885  
 17 in attorneys' fees, in addition to the damages set forth above.

18 Plaintiffs' motion for default judgment is granted and judgment will be entered in favor of  
 19 each plaintiff, and against the defendants, in the amounts set forth above. Plaintiffs are also awarded  
 20 their costs and reasonable attorneys fees, as set forth herein.

21  
 22  
 23 DATED: 11/6/09

*Ronald M. Whyte*  
 24 RONALD M. WHYTE  
 25 United States District Judge

1 **Notice of this document has been electronically sent to:**

2 **Counsel for Plaintiff:**

3 **James Dal Bon**

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5 Email: jdblaw@earthlink.net

6 **Tomas Eduardo Margain**

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8 **Counsel for Defendants:**

9 **No Appearance**

10  
11 Counsel are responsible for distributing copies of this document to co-counsel that have not  
12 registered for e-filing under the court's CM/ECF program.

13  
14 **Dated:** 11/6/09

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Chambers of Judge Whyte